

May 6 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 10-0113

ROBERT JAMES THOMAS,

Petitioner,

v.

MIKE FERRITER, Director of Montana
Department of Corrections; and
DAVE ARMSTRONG, Director of Alternatives
Inc., Alpha Pre-release,Respondents.

FILED

MAY 06 2010

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

MOTION FOR EXTENSION OF TIME

The Respondent, State of Montana, respectfully requests a 14-day extension of time until May 20, 2010, in which to prepare, serve, and file its response to the Petition for Writ of Habeas Corpus in the above-entitled matter. The response is presently due on May 6, 2010, and this is the State's first extension request.

Because of the equitable and occasionally emergent nature of habeas relief, the State is reticent to ask for an extension of time and very seldom does so in habeas cases. The response in this case was due on the same day as Taylor v. Mahoney (OP 10-0134). Because of pressing workload and illness, counsel for the State was unable to get to this project and Taylor until May 5, 2010. The response in Taylor has been filed but counsel for the State has not had sufficient time to gather all of the information needed to respond to the instant petition and to finalize it.

Mr. Thomas was contacted at the Pre-Release Center in Billings and graciously

stated that he had no objection to the State's extension request.

Respectfully submitted this 6th day of May, 2010.

STEVE BULLOCK
Montana Attorney General
Justice Building
P.O. Box 201401
Helena, MT 59620-1401

By: Mark Mattioli
MARK W. MATTIOLI
Appellate Services Bureau Chief

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing
Motion for Extension of Time to be mailed to:

Mr. Robert James Thomas
DOC #2067081
Alternatives, Inc. Alpha House
3109 First Avenue North
Billings, MT 59101

Mr. Steve Barry
Department of Corrections
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Mr. Fred Van Valkenburg
Missoula County Attorney
200 West Broadway
Missoula, MT 59802

DATED: 5/6/10 Mark Mattioli